

Miami-Dade Independent Review Panel



"Oversight Is Everybody's Business"

Annual Report

2005



I n d e p e n d e n t R e v i e w P a n e l

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Jorge E. Reynardus, Esq.,
Chairperson

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CHAIRPERSON'S MESSAGE



Jorge E. Reynardus, Esq.

Mr. Reynardus was nominated by the Community Relations Board. He is a litigator in the Miami office of Holland & Knight LLP where his practice focuses on commercial and international litigation and product liability. In addition he is a lecturer for the Holland & Knight Institute, on various issues including Family Medical Leave Act compliance, Anti Discrimination Training in the Workplace, and English Only Policies. He is an attorney ad litem and works with the National Center for Missing and Exploited Children and Lawyers for Children America.

I am humbled and honored to have been reelected as chairman of the IRP, and am pleased to report another successful year of community service. This year we received 241 complaints and through investigation, mediation, and public hearing, we resolved over 200 cases. Most notable in 2005, were our efforts to ensure police restraint in the use of non-lethal weapons against children, particularly Taser devices, and our participation in a community forum concerning the results from the county-ordered study on racial profiling. We take this opportunity to make mention of the continuing cooperation we received from the Miami-Dade Police Department in 2005, and hope to build on it in the future. Nevertheless, with power comes responsibility and the need for vigilance. I take this opportunity to commend the Executive Director and his staff for their tireless efforts, and each of the volunteer board members who give so generously of their time and talents. Once again, we pledge to give a voice to the weak and to preserve the dignity of all whom we have the privilege of serving.

A handwritten signature in black ink, appearing to be 'JR' with a stylized flourish.

IRP MEMBERS

Jorge E. Reynardus, Esq., Chairperson, nominated by the Community Relations Board. Mr. Reynardus is a litigator in the Miami office of Holland & Knight LLP. He is an attorney ad litem and works with the National Center for Missing and Exploited Children.

Rev. James Phillips, Jr., 1st Vice Chairperson, nominated by People United to Lead the Struggle for Equality (PULSE). Rev. Phillips is pastor of the Highland Park Baptist Church and past president of PULSE, a civil rights group established in 1981.

Julia Dawson, Esq., 2nd Vice Chairperson, nominated by the League of Women Voters. Ms. Dawson is a community activist committed to securing the human rights of all people. She has worked with many grassroots and non-profit organizations.

Michael R. Band, Esq., nominated by the Dade County Bar Association. Mr. Band is a partner at Adorno & Voss, P.A. His focus is white collar criminal defense. He serves on the Board of Directors for the Community Council for Jewish Elderly, Jewish Community Services and the Anti-Defamation League.

Arcie Ewell, nominated by the Community Action Agency. Ms. Ewell is the Executive Director of the Miami Branch of the Family Christian Association of America (FCAA). She is an experienced teacher and college professor with a Masters Degree in Reading.

Glenn P. Falk, Esq., nominated by the Dade County Association of Chiefs of Police. Mr. Falk practices primarily in civil litigation. He has served as legal counsel to the Association of Chiefs of Police since 1981.

Julie C. Ferguson, Esq., Ms. Ferguson is the founding attorney of a firm specializing in immigration and nationality law. She is a volunteer with the Center for Justice & Accountability and the Alternatives to Violence Project.

Joseph Lopez, Esq., nominated by the Puerto Rican Bar Association. Mr. Lopez practices general law. He is Chairman of the Puerto Rican Chamber of Commerce of South Florida.

Doris Shellow, non-permanent member. Mrs. Shellow was an active Panel Member for many years. She now serves as an alternate. Mrs. Shellow was Executive Director of the South Florida Psychiatric Society for 27 years, until she retired in 2000.

Moiez A. Tapia, Ph.D., nominated by Asian American Advisory Board. Dr. Tapia is a professor in the Electrical & Computer Engineering Department of the University of Miami. He is also a member of the Board of Directors of the Urban League of Miami.

SERVING ON THE IRP in 2005

			
Jorge E. Reynardus, Esq. Chairperson	Rev. James Phillips First Vice Chair	Julia Dawson, Esq. Second Vice Chair	Michael R. Band, Esq.
			
Arcie Ewell	Glenn P. Falk, Esq.	Julie C. Ferguson, Esq.	Joseph F. Lopez, Esq.
			
Doris Shellow	Moiez A. Tapia, Ph.D.		

EXECUTIVE DIRECTOR'S MESSAGE



Eduardo I. Diaz, Ph.D.

Dr. Diaz is active in advocating for improved police/community relations and a variety of other violence reduction efforts. He is a member of the National Association for Civilian Oversight of Law Enforcement (NACOLE) and serves on the Board of Directors.

Dr. Diaz is deeply interested in violence prevention. He currently acts as a Lead Facilitator for the Alternatives to Violence Project (AVP). He is also an active member of the Peace Psychology Division of the American Psychological Association (APA).

For a few days in 2005, the Independent Review Panel (IRP) was the focus of international attention as we hosted the annual conference of the National Association for Civilian Oversight of Law Enforcement (NACOLE). This event was held December 11-14 after Hurricane Wilma forced postponement from the original October dates. It was a County/City of Miami team effort and one of the best attended conferences in the history of the organization!

Other highlights of 2005 include:

- At the request of the U.S. Embassy in Santo Domingo, Dominican Republic, provided civilian oversight consultation and facilitated police/community relations workshops.
- At the request of the U.S. Embassy in Caracas Venezuela, conducted an advanced conflict resolution workshop for people engaged in prison reform.
- Locally, conducted conflict resolution workshops at the Federal Correctional Institution (FCI-Miami) and the State's Everglades Correctional Institution (ECI).
- Conducted two 3 day Alternatives to Violence workshops at the IRP for County employees and community members.
- Addressed issues related to the MDPD Racial Profiling Report, employing multiple public hearings, transparency principles and constructive conflict accountability techniques. (See www.miamidade.gov/irp)
- Served on the Miami-Dade County Ethics Coalition and hosted a series of six TV programs for the Coalition on the County's Cable-tap channel.
- Chaired and presented a symposium at the 2005 American Psychological Association (APA) Conference held in Washington D.C. entitled *Creative Change Agents in Public Service--Managing Peace with Justice*.

I am blessed with a supportive staff and increasingly active volunteer Panel members. We have managed the process and team effort that is making the IRP a center of excellence in the facilitation of conflict prevention, management and resolution. We look forward to the challenges of 2006 and remain committed to serve for the greater good of the community.

Sincerely,



IRP STAFF

	
Eduardo I. Diaz Ph.D. Executive Director	
	
Carol Boersma Executive Assistant to the Director	Sagrario Lopez Executive Secretary
	
Fernando L. Robreño Conflict Resolution Specialist	Linda Pierre, MPA Conflict Resolution Specialist

The Independent Review Panel staff is a diverse group of people dedicated to improving the way Miami-Dade County serves its citizens. Staff often serves as a link between the complainant with the problem and the County Department, or other agency, with the solution. This results in many complaints that are resolved informally.

Staff is also the link between the complainant and the County Department when the Panel holds public hearings to formally review complaints that have been investigated by the involved department. In preparing its reports for the Panel, staff conducts extensive research into policy, practice and procedures which facilitates judicious Panel dispositions.

AUTHORITY AND POWERS



The Independent Review Panel holds public hearings concerning serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County.

GRANTED BY THE Miami-Dade County Code Article IC

The Independent Review Panel was created as a mechanism for external community fact-finding and dispute resolution. It was the intent of the Board of County Commissioners that the impartial panel conduct independent reviews and hold public hearings concerning serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County.

THE PANEL MAY

Hold public hearings, make factual determinations, draw conclusions, propose recommendations, and prepare reports.

Request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police Department, to give sworn testimony or to produce documentary or other evidence.

Demand, examine and duplicate public records and documents in accordance with the provisions of Chapter 119, Florida Statutes.

Enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities.

Conduct or participate in conferences, inquiries, meetings or studies.

Request the County Attorney to render opinions relating to its duties, jurisdiction or power.

Adopt, promulgate, amend and rescind such rules of procedure as may be necessary to exercise its authority.

Consider complaints against municipal governments located within Miami-Dade County, *if* a municipality formally requests the Panel to exercise jurisdiction.

NACOLE CONFERENCE 2005



Former Attorney General Janet Reno was the keynote speaker for the 2005 NACOLE Conference held in Miami, FL.

The Independent Review Panel Co-hosted the 2005 National Association for Civilian Oversight of Law Enforcement (NACOLE) Conference on December 11th-14th in Miami, FL.

Several presentations were given by members from various civilian oversight agencies from around the United States, Canada and Great Britain. Guest speakers from the Miami-Dade Police Department and the City of Miami Police Department volunteered to help explain the rigors of police work and the steps being taken by departments to help improve police/community interactions.

The topics discussed during the four day conference covered various issues spanning from ethics in policing, uses of force and the use of Tasers.

All in all, the NACOLE Conference was a great success paving the way for the 2006 meeting to be held in Boise, Idaho.



Several IRP Panel Members were present throughout the NACOLE Conference to facilitate the day-to-day running and to participate in the discussions.

RACIAL PROFILING REPORT

Miami-Dade Police Department Racial Profiling Report

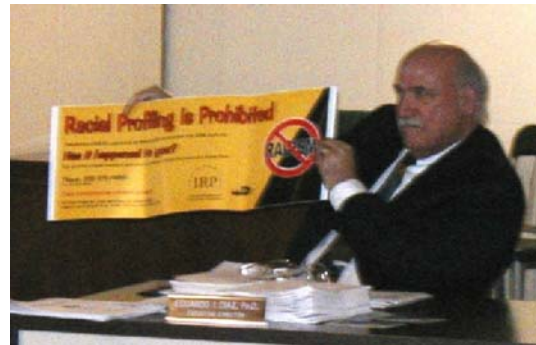
In 1999 many in Miami-Dade County were concerned about "Racial Profiling" and "Driving While Black." In 2000, the Board of County Commissioners (BCC) and the Miami-Dade Police Department (MDPD) came out with specific policies regarding racial profiling in traffic stops. The BCC prohibited stops based "primarily" on race. MDPD prohibited stops based "solely" on race.

Subsequently, the BCC contracted the Alpert Group to conduct a study of traffic stops with respect to the race of drivers. The BCC also created a Racial Profiling Advisory Board to participate in all aspects of the study, including public dissemination of findings and implementation of recommendations.

The Alpert Group submitted the Racial Profiling study to MDPD in November 2004, however MDPD did not release the findings until May 2005. The Racial Profiling Advisory Board was not given opportunity to review the report prior to its public release.

The BCC Committee on Community Outreach, Safety & Healthcare Administration (COSHA) deferred consideration of the MDPD Racial Profiling Study because the report did not include input from the Racial Profiling Advisory Board as required by resolution. Commissioner Dr. Barbara Carey-Shuler asked the County Manager to abide by "the process established in the Resolution."

A Community Forum on the Racial Profiling Study was held on September 8, 2005 at the Joseph Caleb Center. The forum was hosted by the Independent Review Panel and the Miami-Dade County Office of Community Relations, in coordination with the County Manager's Office. Its purpose was to hear Dr. Alpert's presentation regarding his study and receive comments from the Advisory Board and the community.



The Community Forum was co-chaired by Jorge Reynardus, Independent Review Panel Chair, and Dr. Franklin Sands, Black Affairs Advisory Board Chair and member of the Community Relations Board. What follows represents observations, findings and recommendations from an Independent Review Panel perspective.

Community Forum Panel Members

Jorge E. Reynardus, Esq.	Chair, Independent Review Panel (IRP)
Dr. Franklin Sands	Miami-Dade County Community Relations Board (CRB) and Chair, Miami-Dade Black Affairs Advisory Board
Dr. Geoffrey Alpert, Ph. D.	Principal Research Investigator, The Alpert Group
Robert Parker	Miami-Dade Police Department (MDPD) Director
Robert W. Holden	MDPD Assistant Director
J.D. Patterson	MDPD Assistant Director
Farzana Tapia	Community Relations Board
Larry Capp, Ph.D.	Office of Community Relations Executive Director
Roger Dunham, Ph.D.	Research Investigator, University of Miami
Bess McElroy	Racial Profiling Advisory Board
Leroy Lashley	Racial Profiling Advisory Board and NAACP
Benjamin Waxman	Racial Profiling Board and ACLU
Moiez Tapia, Ph. D.	Independent Review Panel
Doris Shellow	Independent Review Panel
Eduardo I. Diaz, Ph. D.	Racial Profiling Advisory Board and Independent Review Panel Executive Director

Community Forum Discussion

Dr. Geoffrey Alpert stated that the Racial Profiling Study was limited to the Miami-Dade Police Department and was undertaken to collect and analyze information on the race of drivers detained by officers in discretionary¹ traffic stops. Dr. Alpert reported that no researcher has yet figured out how to get in the mind of the officer to determine why an officer takes action, therefore the study was based on three components to collect information:

1. Trained observers to ride with police officers.
2. Traffic observation: the flow of traffic in Black, non-Black and racially mixed neighborhoods, and
3. Citizen contact cards, completed by the officer initiating the stop.

Dr. Alpert reported key findings as follows:

1. There was no consistent targeting of minorities in the traffic stops.

¹ A discretionary stop is one initiated by the individual police officer based on his/her observation, as opposed to stops which are initiated by radar or check points.

2. There were disparate outcomes of the traffic stops: Race was a factor in what happened after the traffic stop:
 - White and Hispanic motorists were more likely to receive a summons.
 - Black motorists were more likely to receive a verbal warning.
 - Black citizens were arrested more frequently on outstanding warrants; however the decision to arrest is determined by the warrant, not race. An officer must arrest the individual when there is a warrant on that person.
 - Blacks were more likely to have their vehicles towed and record checks conducted.
 - Blacks were substantially more likely to be the subject of Field Interrogation (FI) cards, which document a citizen-police encounter when the citizen raises the officer's suspicion in some way.

Dr. Alpert identified two recommendations for MDPD procedural modifications;

1. That MDPD specify the procedure to complete a FI card more clearly.
2. That MDPD standardize the criteria used by officers to conduct a records check on a motorist.

MDPD Director Robert Parker made comments consistent with MDPD's May 13, 2005 response to the report, which stated in part:

The Department agrees to continue to work to implement the recommendations outlined in the study. These recommendations will be reinforced through the different procedures the Department has in place in the form of policy, legal guidelines definitions as it relates to racial profiling, documentation and investigation of abuse where race is used as the decisive factor to target someone, education, training, and appraisal reports.

Panel Findings:

1. Dr. Alpert's study was well done and is a major contribution to the academic literature on Racial Profiling.
2. Director Parker was very responsive to the recommendations made by the Alpert Group in the MDPD Racial Profiling Study and to questions posed by panelists and community speakers on September 8, 2005.
3. Limited to discretionary traffic stops, the data does not support a conclusion that there is no racial profiling in the Miami-Dade Police Department.
4. The racial disparity in what happens after the traffic stop is the study finding that most calls for MDPD action.
5. Post stop disparity was also found in a Department of Justice-Bureau of Justice Statistics national survey report: See ***Contacts between Police and the Public: Findings from the 2002 National Survey*** at:
<http://www.ojp.usdoj.gov/bjs/abstract/cpp02.htm>
6. The Racial Profiling Advisory Board completed what it can do given the revolving status of the membership.

Panel Recommendations:

1. That Director Parker be commended for his strong showing of determination to the community that the issue of racial disparities is being taken seriously by MDPD.
2. That MDPD address the racial disparity in post stops by immediately implementing record checks on all persons stopped.
3. That MDPD conduct additional research addressing pedestrian stops and stops made by tactical units.
4. That the Racial Profiling Advisory Board be allowed to “sunset”.
5. That the Office of Community Affairs (OCA) continue to provide the community with forums for community input on racial profiling and biased based policing.
6. That the Independent Review Panel (IRP) remain committed to monitoring MDPD implementation of recommendations.

CONFLICT RESOLUTION TRAINING

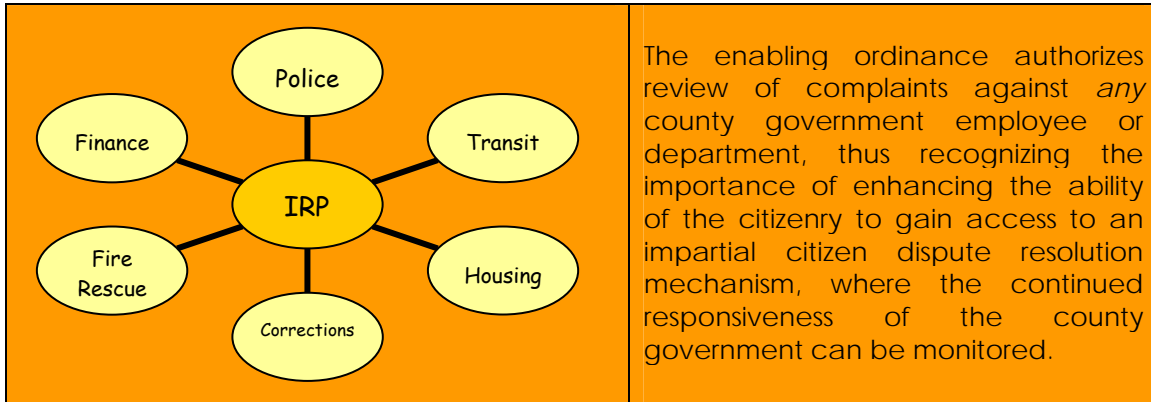
Conflicts happen. They are a part of life. There are many ways to approach conflicts – surrendering, running away, overpowering your opponent with violence, filing a lawsuit. There are also options that encourage nonviolent dispute resolution.

Conflicts happen; at home, in the work place, in places of worship, in government. Conflict can bring much-needed change. Therefore, eliminating conflict would also eliminate conflict's dynamic power. The goal of the Conflict Resolution Training is to transform conflict into something constructive, through experiential workshops that empower people to address conflict productively.

BASIC CONFLICT RESOLUTION TRAINING	
Date: October 19-21, 2005	A mixed group from the community, Miami-Dade Corrections, Miami-Dade Police, Florida Correctional Institution, and the Community Relations Board participated in the 3-day workshop.
IRP Trainers: Eduardo Diaz, Ph.D. Carol Boersma, LCSW Linda Pierre, MPA	



SAMPLE CASES REVIEWED IN 2005



The Punching Cabinet

The complainant was arrested for DUI by MDPD and taken to the Special Patrol Bureau. The complainant stated that while he was in handcuffs, an MDPD officer punched him in the eye, grabbed him by his neck, pushed him into a door and kicked him on the ankle. The officer wrote in his report that the complainant pulled away from him, tripped and fell onto a file cabinet, causing the eye injury. The complainant was taken to Jackson Memorial Hospital Ward D, then transported and booked at the Dade County Jail.

Some of the Independent Review Panel's findings:

- The Panel found that the MDPD officer did punch the complainant in the eye.
- The MDPD Disposition Panel finding that "after contacting the Chief Medical Examiner for clarification and thoroughly reviewing all of the testimony and facts surrounding this case the [MDPD] Panel was left with no choice but to render a finding of not sustained" is not warranted. There is sufficient evidence in the Internal Affairs investigation to render a finding of sustained, based on the "preponderance of evidence" standard.
- The accused officer's description of the location of the injury the complainant received conflicts with the description given by the witness officer. Both officers state they picked Mr. Cruz up after he "stumbled into the cabinet" and escorted him to the bathroom where they provided first aid.
- Twelve of the 26 complaints (including the complainant's) against the accused officer involve allegations of punching, striking, kicking grabbing and or shoving. Ten of the 12 allege use of force while the complainant was handcuffed.

Panel Recommendations:

- Fully aware of its limited authority, the Panel finds that officer's conduct poses a liability risk for Miami-Dade County. To protect the public interest, he should be dismissed from employment with MDPD.
- That MDPD investigate the allegation that another MDPD officer, who did not witness the incident, lied in his sworn IA statement when he said "the complainant... fell face first against a metal cabinet."
- That MDPD employ "integrity testing" for the officer who lied and all officers suspected of covering up for each other.

To Answer or Not to Answer

The complainant was confronted by an MDPD detective of the Robbery Intervention Detail as he was opening his back gate. The detective asked the complainant several questions regarding where he lived and who he was. According to the detective, the complainant refused to answer, ran into the yard and grabbed hold of the fence. The detective exited his vehicle and pursued him, ordering him to release the fence. The detective tried to handcuff the complainant. A City of Miami police officer arrived and threatened to "tase" the complainant if he did not comply with orders to release the fence. The complainant complied and was handcuffed. He was charged with "Battery on a Police Officer" and "Resisting Arrest with Violence."

Some of the Independent Review Panel's findings:

- The Panel found that there was no cause to arrest the complainant at the time the detective first approached him, however, the detective's actions created a cause to arrest the complainant. The complainant was in an area where there were a lot of burglaries because he lived in that area. Legally, a police officer has the right to approach an individual and ask questions, but in a consensual encounter, an individual is not required to answer.
- The Panel found that the detective used excessive force to handcuff the complainant and take him to the ground. Although there were four civilian witnesses who stated they did not observe the detective use excessive force, the complainant was not fleeing, nor was there reasonable suspicion that he had committed a crime, nor was he a threat to the officer's safety at the time the detective, without calling for backup, decided to forcefully handcuff him.
- Panel Recommendations:
 - ❖ That MDPD define "consensual encounters" so that officers and the public have a mutual understanding as to when an individual must answer an officer's questions and when an individual can ignore the officer's questions.
 - ❖ That MDPD institute "de-escalation" training on a continuing basis for its officers.

Mixed Signals

The complainant, who is deaf, alleges that the desk officer at the Doral Station did not want to provide an interpreter when he asked for one. Instead the officer made facial expressions and hand motions that were offensive to him.

Some Independent Review Panel's findings:

- The Panel found the allegation that the MDPD officer was discourteous to be **Inconclusive**. The Panel found evidence that officer's nonverbal communication made the complainant feel frustrated and offended; however the evidence does not support the allegation that the officer was intentionally rude and disrespectful.
- The officer did not refuse to provide an interpreter. The complainant stated that another MDPD officer, who knows sign language, was assisting him within five minutes of his interaction with first officer.
- The complainant's ADA card addresses the right of a person to have an interpreter in court. It is not specifically a request for an interpreter to be called.

Panel Recommendations:

- ❖ That MDPD remind officers on a regular basis of the importance of courteous body language especially in dealing with deaf people.
- ❖ That MDPD update their certified interpreters contact list on a regular basis to reflect changes.
- ❖ That the complainant work with deaf community organizations to produce a card that indicates the bearer is deaf and requests the assistance of an interpreter.

Taser Use on Children

The principal of Kelsy Pharr Elementary School requested police assistance for a disruptive student who had cut his hand with a broken glass picture frame and was holding a piece of broken glass. Two MDPD officers attempted to reason with the student, but he refused to drop the piece of glass and tightened his grip on it. The MDPD officers, after consulting their supervisor, determined that tasing was the best intervention to gain control of the child. The child was subsequently transported to JMH/Crisis and admitted under the provisions of the Baker Act.

Some of the Independent Review Panel's findings:

- The Panel found the allegations that excessive force was used when the child was tased to be **EXONERATED**. The incident occurred, however the officers acted within the MDPD policy in place at the time of the decision to utilize the Electronic Control Device (ECD).

- MDPD personnel took discretionary action even though a school board police officer was available to handle the call.
- The officer who removed the barbed probes from the 6-year-old child was not trained as required by policy.
- The presence of blood and an unknown risk of HIV-AIDS contamination played a significant role in the decision to deploy the ECD in lieu of alternatives.

A 12 year old girl was skipping school and drinking when an MDPD officer confronted her. The officer stated that when the girl ran from him, he chased her through a parking lot, and then zapped her with the taser when she began to run into traffic.

Some of the Independent Review Panel's finding's:

- The officer used excessive force when he tased a twelve-year-old girl while she was fleeing.
- The Panel found that the allegation that the officer overreacted when he chased and then tased the 12-year-old girl to be **SUSTAINED**.
- MDPD was quick to impose discipline on the involved officer. Officer Nelson received a written reprimand ten days after the incident.

Street "Smarts"

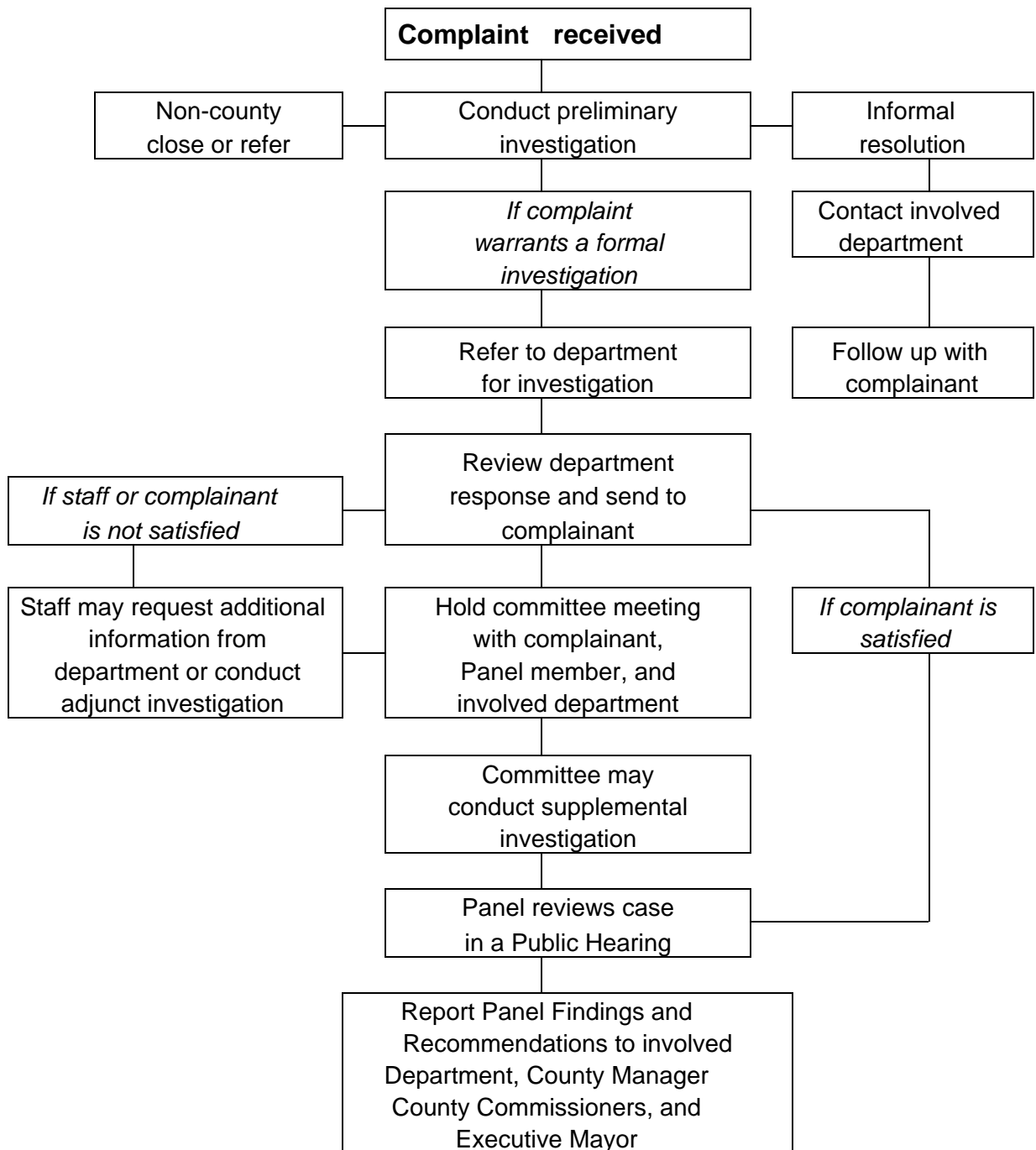
The complainant was visiting his father when an unidentified man came to his window and said "DT" was in the area ("DT" is a street term for detective). The complainant's father then advised his son to leave because "he knew it was a bad area and he didn't like me to be around."

As the complainant walked towards the bus stop, a car stopped. An MDPD officer stepped out and grabbed him by the wrist. Shortly after, another MDPD officer jumped out of the car and searched the complainant with the assistance of the first officer. The complainant was placed in the backseat of the car and transported to the Juvenile Assessment Center. He was charged with Obstruction of Justice.

Independent Review Panel's finding:

- The Panel did not find evidence to support the allegation that the complainant was arrested because of his race.

COMPLAINT FLOW CHART



COMPLAINT DISTRIBUTION

MIAMI-DADE DEPARTMENT	A	B	PC	M	TOTAL
	Formal Investigation Requested	Resolved Informally or Referred	Job Related	Misc.	
Animal Services	1	3			4
Board of County Commissioners		2			2
Building		6			6
Clerk of the Courts		4			4
Community Action Agency		3			3
Community and Economic Dev.		1			1
Consumer Services				1	1
Corrections & Rehabilitation		8	1		9
DERM		1			1
Elections					
Emergency Management					
Employee Relations					
Enterprise Technology Services			1		1
Equal Opportunity Board					
Fair Employment Practices					
Finance		5			5
Fire Rescue		1		1	2
General Services Administration		2			2
Homeless Trust					
Human Services		6			6
Jackson Memorial Hospital		1			1
Mayor's Office					
Miami-Dade Housing Agency		12			12
Miami-Dade Police	15	57		7	79
Miami-Dade Transit Agency		4	1		5
Park & Recreation		1	1		2
Planning & Zoning					
Procurement Management		1			1
Property Appraisal				1	1
Public Works		2			2
Solid Waste		10		1	11
South Florida Employment & Training Consortium		1			1
Team Metro		5		1	6
Water & Sewer		18	1		19
Unknown				5	5
Total Miami-Dade	16	154	5	17	192
OTHER					
No Jurisdiction- Municipal					17
No Jurisdiction - Other					32
<i>Total Non-County</i>					49
Total Complaints 2005					241

Complaints According to Budget Divisions 2005

Total Complaints - 241

Public Safety		98	Transportation		8	Recreation and Culture		2
Administrative Office of Courts			Aviation			Art in Public Places		
Animal Services	4		Citizens' Independent Trans Trust			Cultural Affairs		
Corrections & Rehabilitation	9		Consumer Services	1		Historical Museum		
Fire Rescue	2		Metro Planning Organization			Library/Law Library		
Independent Review Panel			Miami-Dade Expressway Auth.			Miami Art Museum		
Juvenile Assistance Center			Public Works	2		Park & Recreation	2	
Legal Aid			Seaport			Performing Arts Center/PAC Trust		
Medical Examiner			Transit	5		Safe Neighborhoods Parks		
Office of Emergency Management						Vizcaya		
Office of the Clerk	4							
Police	79							
Public Defender								
State Attorney								
Health & Human Services		22	Economic Development		2	Enabling Strategies		10
Children's Trust			Community & Economic Development	1		Agenda Coordination		
Community Action Agency	3		Empowerment Zone			Americans w/ Disabilities Coordination		
Community Relations Board			Greater Miami Convention & Visitors			Audit & Management Services		
Countywide Healthcare			International Trade Consortium			Business Development		
Health Department			Metro-Miami Action Plan			Capital Improvements		
Homeless Trust			South Florida Workforce	1		Commission on Ethics		
Housing Agency	12		Urban Revitalization Task Force			Communications		
Housing Finance Authority						Elections		
Human Services	6					Employee Relations		
Public Health Trust	1					Enterprise Technology Services	1	
						Fair Employment Practices		
						Finance	5	
						General Services Administration	2	
						Inspector General		
						Procurement Management	1	
						Property Appraisal	1	
						Strategic Business Management		
Neighborhood and UMSA Services		43	Policy Formation/Other		2	Other		54
311 Answer Center			Board of County Commissioners	2		Municipal	17	
Building	6		Budget manual			No jurisdiction - Information	32	
Building Code Compliance			Capital Budget Coordination			Unknown county	5	
Environmental Resources Mangmt.	1		Capital Coordinator					
Planning & Zoning			CBO Monitoring					
Solid Waste Management	11		Community councils					
Team Metro	6		County Attorney					
Water & Sewer	19		County Manager's Office					
			Debt Service Funds					
			Deputy Director Assistance					
			Director Assistance					
			Five year Plan					
			FTAA					
			General Government					
			Hurricane/FEMA					
			Office of the Mayor					
			Operating Budget Cord. Assist.					
			Operating Budget Coordinator					

MEETING PROTOCOL



I. Welcome & Introduction

The Chairperson welcomes those present and gives a brief introduction of the role and function of the **Independent Review Panel (IRP)**.

The function of the Independent Review Panel is to provide impartial, independent, and open investigation and disposition of serious complaints of alleged wrongdoing. The Panel may also review procedures and policies or general patterns of conduct which gives rise to conflict and misunderstanding between the County and the public. The Panel's rules of procedure state that the Panel shall "promote the highest possible degree of mutual respect between the agencies, instrumentalities and employees of Miami-Dade County and the people of Miami-Dade County."

II. Review Format for Complaints

The Chairperson presents the format for complaint review. The focus of the complaint review will be on the findings and recommendations in the "Recommendation to the Panel" report. Panel member/Panel staff overview should include:

- The Complainant's Allegations.
- The Department's Findings to the Allegations
- The Critical Issues Discussed in the Committee Meeting.
- The Committee Findings & Recommendations.

III. Invitation to Speak Before the Panel

- A. The Chairperson invites the complainant to sit at the guest table to provide any new information that is not included in the "Staff/Committee Recommendation to the Panel" report, and/or to comment on the findings and recommendations in the report. After the complainant speaks, the representatives from the department will be invited to do the same. It is recommended that the parties not repeat what is in the report.
- B. The Panel members may direct questions regarding any aspect of the complaint and/or investigation to the complainant and/or the department representatives. Questions may also be directed to Panel staff. All parties who wish to speak must ask to be recognized by the Chairperson.

IV. Closing of Floor Discussion & Panel Vote

The Chairperson closes the period of public comment and the Panel commences discussion. The Panel renders its disposition by way of a motion.

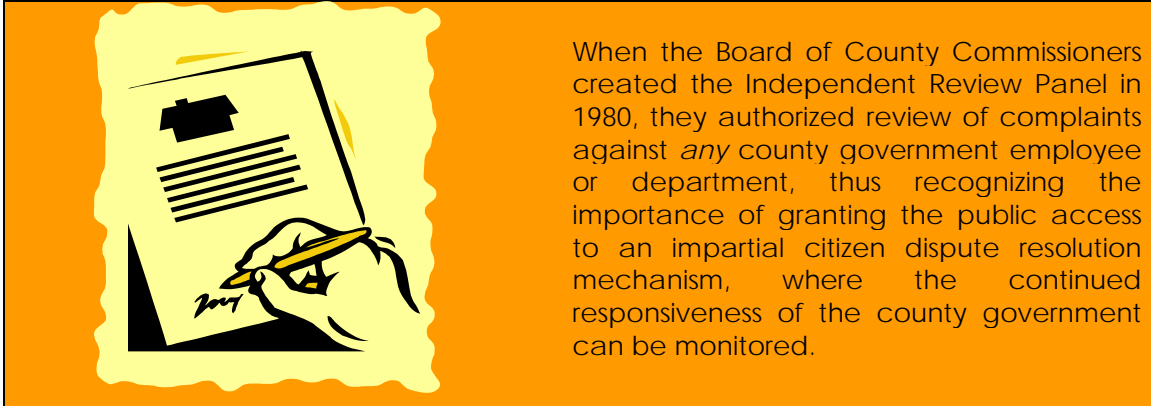
PANEL MEMBER ATTENDANCE 2005

Panel Members	Appt. Date	1/27	2/24	3/24	4/28	5/26	6/23	7/28	8/25	9/22	10/27	11/17	12/22
Band, Michael, Esq.	3/15/05	—	—	P	P	P	E	P		P		E	P
Dawson, Julia, Esq.	10/21/03	P	P	P	P	P	P	P		P		P	E
Ewell, Arcie	10/19/04	P	P	P	P	E	A	A		P		P	A
Falk, Glenn, Esq.	09/09/04	P	P	E	P	P	P	E		P		P	P
Ferguson, Julie, Esq.	2/24/05	—	—	P	P	E	E	E		P		E	P
Lopez, Joseph, Esq.	12/15/03	E	P	E	E	P	E	P		E		P	E
Phillips, Jr., Rev. James J.	11/05/97	P	P	E	P	E	P	P		E		E	—
Reynardus, Jorge Esq.	06/04/02	P	E	P	P	P	P	E		E		P	E
Shellow, Doris, substitute	07/27/89	P	P	E	P	P	P	P		P		P	P
Tapia, Moiez, PhD	09/25/03	E	P	E	P	P	P	E		E		P	P

Key: A – Absent P – Present E – Excused T - Term Expired R – Resigned

*** Panel Meetings on 8/25 and 10/27 were canceled due to Hurricanes Katrina and Wilma.**

HISTORY



When the Board of County Commissioners created the Independent Review Panel in 1980, they authorized review of complaints against *any* county government employee or department, thus recognizing the importance of granting the public access to an impartial citizen dispute resolution mechanism, where the continued responsiveness of the county government can be monitored.

Origin of the Panel

The Independent Review Panel is a unique combination of police review and "ombudsman" functions within one autonomous civilian oversight agency. It was created by ordinance to establish a broad-based, permanent Panel to review questionable administrative practices or policies and employee behavior, and to conduct public hearings on matters within the Panel's jurisdiction. In authorizing review of complaints against *any* county government employee or department, the ordinance recognizes the importance of enhancing the ability of the citizenry to gain access to an impartial citizen dispute resolution mechanism, where the continued responsiveness of the county government can be monitored.

The Executive Director is appointed by the chief judicial officer of the Eleventh Judicial Circuit in Miami-Dade County, thus assuring the independence of the Panel from political or administrative influence. However, early community critics found several structural weaknesses:

- The Panel did not have subpoena power.
- The Panel must rely on the County Attorney's Office for legal counsel.
- The Panel included a member of County government and a representative of the Association of Police Chiefs.
- The Panel's membership did not reflect the multi-ethnic composition of the Dade County population.

One Task Force recommended that:

- The Panel be granted the power to issue subpoenas.
- The Panel be granted independent legal counsel.
- County employees be restricted from serving on the Panel.
- The Panel be increased to 13 members, with all members being nominated by specific community organizations representative of the socio-ethno-cultural-religious composition of the County.

Between 1990 and 1993, there were rounds of community, Panel, police, attorney and commissioner negotiations to revise the Independent Review Panel. The Black community and Black commissioners wanted a powerful, investigative Panel. The police and some White commissioners saw no need for change, while other commissioners and the police union opined that a civilian oversight body was unnecessary. During this time two other significant recommendations were made to enhance the independence of the Panel: 1) Have the Panel budget submitted directly to Board of County Commissioners, rather than to the County Manager for his recommendation to the Board, and 2) Give the Panel the specific authority to initiate its own investigations, regardless of whether or not a citizen has filed a complaint about an incident.

In January 1993, the Board approved the First Reading of revisions to the enabling ordinance that would:

- Change the name of the Independent Review Panel to Citizens Investigative Panel
- Change membership from 9 to 21
- Provide for independent counsel
- Provide for the initiation of investigations

The proposed revisions did not make it to Second Reading (public hearing).

Attempted Administrative Changes

In 1995, a Government Operations Committee recommended that "the IRP investigatory functions be transferred to Team Metro," a county department which has the dual function of improving public access to county government and code enforcement, and reports to the County Manager. The Panel successfully opposed the transfer, which would have decimated the legislative intent of the enabling ordinance to create a mechanism for external community fact-finding and dispute resolution.

Whistler Blower Amendment

In 1996, the Board of County Commissioners found that it was in the best interest of Miami-Dade County to ensure that persons who have knowledge of unlawful activity, misfeasance or malfeasance by the County or independent contractors report such knowledge to the appropriate authorities for investigation and corrective action. In order to encourage persons to report such information without fear of reprisal, the Board amended the ordinance, giving the Panel the authority to consider retaliation complaints when requested to do so by the County Manager. The amendment provided for subpoena power in the review of retaliation complaints.

Composition Amendment

Eduardo I. Diaz, Ph.D. came on board as Executive Director in 1996. The Independent Review Panel took a new direction under the leadership of Dr. Diaz, a Peace Psychologist. His immediate goals were to make the Panel membership reflect the multi-ethnic composition of Miami-Dade County, and establish clear accountability for the Executive Director.

The Panel supported Dr. Diaz' goals, and within a year, the Board amended the ordinance to provide for the appointment of four additional members by the Panel members themselves, considering race, ethnicity and gender. At the same time, the three nonpermanent members and the County Manager's appointee were eliminated, resulting in a nine-member Panel with three-year terms. A provision was also included to provide for service by former Panel members in the absence of a current member or in case of a vacancy.

That same year, 1997, the Board approved another ordinance change, passing the responsibility for the Executive Director's salary adjustments from the Board to the Chief Judge.

2002 Proposed Ordinance Language

Early in 2002, the Panel approved an ordinance revision recommendation to the Board that would grant the Panel subpoena power in all complaints. The proposed revision was not sponsored by a commissioner. In June 2002, the Board considered structural changes for the IRP but none of the proposals were approved. The status quo prevails.

Independent Review Panel Ordinance

County Code Article IC.

Sec. 2-11.41. Legislative intent and purpose; liberal construction.

The purpose of this article is to create a mechanism for external community fact-finding and dispute resolution. It is the intent of the Board of County Commissioners that the impartial review panel created by this article conduct independent reviews and hold public hearings concerning serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. It is also the intent of the Board of County Commissioners that the Independent Review Panel conduct hearings as provided in Chapter 2, Article LXXI of the Code where there is a complaint of retaliation for the disclosure of specific information. The provisions of this article shall be liberally construed to accomplish these legislative objectives.

Sec. 2-11.42. Created, established.

There is hereby created and established an Independent Review Panel (hereinafter referred to as the "Panel") pursuant to Section 4.08(a) of the Miami-Dade County Home Rule Charter.

Sec. 2-11.43. Composition; appointment and terms of office; compensation, oath; attendance at meetings, vacancies.

(A) The Panel shall consist of nine (9) members, each of whom is a qualified elector of Miami-Dade County and possesses a reputation for civic pride, integrity, responsibility and has demonstrated an active interest in public affairs and service.

(1) Members:

(a) In order to secure representative membership on the Panel, each of the following five (5) community groups or organizations shall submit a list containing the names of three (3) qualified persons [and] the Board of County Commissioners shall select one (1) panel member from each of the five (5) lists:

- (i) The Community Relations Board.
- (ii) The Community Action Agency.
- (iii) The Miami-Dade County League of Women Voters.
- (iv) The Miami-Dade County Bar Association.

(v) The Miami-Dade Police Chiefs' Association. Each nominee by the Miami-Dade Police Chiefs' Association shall be an Association member. In the event the Panel is investigating an incident involving the jurisdiction employing this appointee, the Miami-Dade Police Chiefs' Association shall submit the names of three (3) different members for an appointment as a substitute until the conclusion of the investigation. In the event that none of the three (3) nominees meets with County Commission approval, the nominating entity shall submit another and entirely different list for Commission consideration. This process shall continue until a member has been appointed.

(b) In addition to the five (5) Panel members selected in accordance with the preceding subparagraph (a) of paragraph (1) of this subsection, four (4) members shall be appointed by the Panel based on consensus of integrity and community representation, considering ethno-cultural and gender balance. The foregoing appointments shall constitute the membership of the Panel, and each member shall serve for a period of three (3) years. The Board of County Commissioners may extend this term if necessary to complete any pending investigation(s).

(2) Nonpermanent members. In addition to the foregoing, former Panel members may serve as substitute Panel members, given advance notice of absence of current members or vacancy pending appointment.

- (B) Members of the Panel shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties as shall be determined and approved by the Board of County Commissioners. Before entering upon the duties of office, each member shall submit written acceptance of appointment and subscribe to the oath of office prescribed by law, which shall be filed in the Office of the Clerk of the County Commission.
- (C) Any Panel member shall be automatically removed if absent for three (3) consecutive meetings without a satisfactory excuse or if absent from more than one-half of the Panel's meetings during his or her term of office. A Panel member shall be deemed absent from a meeting when not present at the meeting at least seventy-five (75) percent of the time. The provisions of this section may be waived by a two-thirds vote of the members of the full Board of County Commissioners. Any vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for three (3) years from the date of appointment.

Sec. 2-11.44. Organization and procedures.

- (a) The members of the Panel shall select a chairperson to serve at the pleasure of the Panel, together with such other officers as may be deemed necessary by the Panel.
- (b) A simple majority of the constituted members of the Panel attending a Panel meeting or hearing shall constitute a quorum.
- (c) All action by the Panel shall be by majority vote.
- (d) All Panel proceedings shall be conducted in accordance with the Government-in-the-Sunshine Law, Section 286.011, Florida Statutes.
- (e) All Panel proceedings shall be conducted in accordance with the provisions of the Citizens' Bill of Rights of the Miami-Dade County Home Rule Charter.
- (f) The Panel shall be deemed an "agency" for purpose of compliance with the Public Records Law, Chapter 119, Florida Statutes.

Sec. 2-11.45. Authority and powers generally.

- (a) The Panel may hold public hearings, make factual determinations, draw conclusions, propose recommendations, and prepare interim and final reports on matters relating to serious complaints or grievances made against an employee, agency or instrumentality of Miami-Dade County. The Panel may also hold hearings, render findings of fact and conclusions of law and issue recommendations, as provided in Chapter 2, Article LXXI of the Code. The Panel shall have the authority and responsibility to determine whether complaints or grievances are sufficiently serious to institute a review process.
- (b) The Panel may adopt, promulgate, amend and rescind such rules of procedure as may be necessary to exercise its authority; provided, however, that no rules shall conflict with the provisions of this article.
- (c) The Panel may demand, examine and duplicate public records and documents in accordance with the provisions of Chapter 119, Florida Statutes, as may be amended from time to time.
- (d) The Panel may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities.
- (e) The Panel may request any person, including the supervisor of the Internal Review Section of the Miami-Dade Police Department, to give sworn testimony or to produce documentary or other evidence.
- (f) The Panel may conduct or participate in conferences, inquiries, meetings or studies.
- (g) The Panel may request the County Attorney to render opinions relating to its duties, jurisdiction or power.
- (h) The Panel shall not interfere with any ongoing criminal investigation of the State Attorney.

Sec. 2-11.46. Panel proceedings.

Panel members shall meet with staff from time to time:

- (1) To consider the County's complaint review processes and investigatory activities designed to serve the public; and
- (2) To consider whether any complaint or grievance filed with the Panel is sufficiently serious to merit review by the full Panel.

Full panel meetings shall be scheduled monthly and with appropriate notice given to the public.

Sec. 2-11.47. Interim reports during pending review.

At least every thirty (30) days, the Panel shall receive interim reports from staff with regard to each pending review.

Sec. 2-11.48. Final reports on matters reviewed; referral for further proceedings.

The Panel shall publish a final report with regard to each matter reviewed. Said final report shall be transmitted simultaneously to the Board of County Commissioners, the County Manager and the director of the concerned County department. If the Panel has reason to believe that any public official, employee or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities.

Sec. 2-11.49. Simultaneous reviews.

The Panel may review more than one (1) incident at the same time.

Sec. 2-11.50. Immunity of Panel members from suit.

The Panel members shall be, to the full extent permitted by law, immune from any suit based upon any action or report undertaken within the scope of the Panel's duties or powers as provided in this article.

Sec. 2-11.51. Physical facilities and staff.

- (a) Office space, etc.; auditorium. The County shall provide the Panel with appropriately located office space and auditorium facilities together with necessary office supplies, equipment and furnishings.
- (b) Executive Director. The Panel shall have an Executive Director who shall be appointed by the Chief Judge of the Eleventh Judicial Circuit, and who shall, in consultation with the County Manager, establish the rate of remuneration of the Executive Director.
- (c) Staff. The Executive Director may hire and administer the necessary staff, subject to budgetary allocation by the Board.
- (d) Legal counsel. The County Attorney shall provide the Panel with necessary legal counsel.
- (e) Research, investigative personnel. The Panel may request the Board to provide such other fact-finding and research personnel as it may determine are necessary from time to time.

Sec. 2-11.52. Municipal utilization of Panel authorized.

At the request of any municipality, on a case-by-case basis or for a time certain, the Panel may assume jurisdiction to consider complaints of citizens against any employee, agency or instrumentality of said municipality. The Panel may proceed to consider, review, investigate and conduct hearings relative to such complaint or grievance. In such event, all references to the County or County officers, employees or representatives shall be determined to be references to the municipality and to the municipal officers, employees or representatives who serve in comparable capacities.

Rules of Procedure

*Approved 11-24-98
Section 3.5 modified 11-18-99*

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- 9.3 Manner of Conducting Investigations

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SECTION 1. PURPOSE

It is hereby declared to be the purpose of these rules of procedure to facilitate the independent review process in Miami-Dade County, Florida, which shall be based on due regard for the Constitutional Rights of all persons, and which shall promote the highest possible degree of mutual respect between the agencies, instrumentalities and employees of Miami-Dade County and the people of Miami-Dade County.

In order that this purpose be achieved, the Independent Review Panel shall receive, consider, investigate and provide a public forum for the airing of serious complaints or grievances brought by the Public against any employee, agency or instrumentality of Miami-Dade County, Florida. These rules provide for the impartial, independent, open and prompt investigation and disposition of complaints and grievances in a manner which protects both the Public and the County agencies, instrumentalities or employees who are involved in such complaints. The Panel will encourage members of the public to bring forward legitimate complaints of abuses and allegations of improper conduct, as it is imperative that they be able to communicate freely to the Panel their dissatisfaction with County services or with the particular conduct of individual employees or agencies of the County. The provisions of these rules shall be liberally construed to achieve these objectives.

It is a further purpose of these rules to facilitate the ability of the Independent Review Panel to review the established County procedures and policies or general patterns of conduct which give rise to conflict and misunderstanding between the County and the Public, and to make recommendations to the appropriate authorities regarding revision of said policies and procedures.

SECTION 2. DEFINITIONS

Wherever used in these rules, unless plainly evident from the context that a different meaning is intended, the following definitions apply:

2.1 "Accused Party" means the employee, agency or instrumentality of Miami-Dade County, Florida, or of any municipality which elects to avail itself of the Panel's services, against whom a Complaint or Grievance is directed.

2.2 "Aggrieved Person" means any person who appears from a Complaint or Grievance to have suffered injury, harm, humiliation, indignity, or any other damage whatsoever as a result of misconduct by any County agency, employee or instrumentality.

2.3 "Chairperson" means the Chairperson of the Independent Review Panel or the Vice Chairperson, if the Chairperson is not able to preside.

2.4 "Complaint" or "Grievance" means a statement alleging that an employee, agency or instrumentality of Metro-Dade County has engaged in an improper act or misconduct in connection with the performance of their official duties, or a statement indicating that the Complainant believes that an existing policy, rule, procedure or practice operates to the detriment of the community as a whole or any segment thereof.

2.5 "Complainant" means any individual who files a Complaint or Grievance regarding the conduct of any County agency, employee or instrumentality. The Complainant may, but need not be an aggrieved person.

2.6 "County" means Miami-Dade County, Florida. The County is governed by an Executive Mayor and a 13-member Board of County Commissioners. They employ a Manager to administer, on a day-to-day basis, the activities of employees who provide services such as police, fire, garbage collection, recreation and zoning for the unincorporated areas of the County. Miami-Dade County has an area of 2,000 square miles encompassing 30 municipalities. County-wide services such as environmental control, transportation, indigent health care, social services, water and sewers, maintaining tourist attractions and the county court system are provided for all residents (approximately 2.3 million).

2.7 "Enabling Ordinance" means County Ordinance No. 80-8 adopted by the Board of County Commissioners, Miami-Dade County, Florida, which became effective February 19, 1980, as amended.

2.8 "Panel" means the nine (9) members of the Miami-Dade County Independent Review Panel appointed in accordance with the provisions of the Enabling Ordinance.

SECTION 3. ORGANIZATION AND MEETINGS

3.1 Composition of the Panel

The Panel shall consist of nine (9) members, five (5) appointed by the Board of County Commissioners and four (4) by the Panel members, taking into consideration ethno-cultural and gender representation, as provided by the enabling ordinance. Each Panel member shall be a qualified elector of Miami-Dade County, shall possess a reputation for civic pride, integrity, responsibility, and shall have demonstrated an active interest in public affairs and service.

3.2 Reserved

3.3 Term

A. Panel members: Each member of the Panel shall serve for a period of three years. Said term may be extended by the Board of County Commissioners if necessary to complete any pending investigation(s). Any vacancy shall be filled in the same manner as the original appointment.

3.4 Compensation

Members of the Panel shall serve without compensation, but shall be reimbursed for the reasonable and necessary expenses incurred in the performance of their official duties. Before entering upon the duties of office, each member shall submit a written acceptance of appointment and subscribe to the oath of office prescribed by law, which shall be filed in the Office of the Clerk of the County Commission.

3.5 Election of Chairperson, Vice Chairpersons

The members of the Panel shall in November elect a Chairperson and two Vice Chairpersons to serve for a term of one year beginning with the first Panel meeting in January. The Chairperson may serve for more than one term. In the absence of the Chairperson, at any meeting, the First or Second Vice Chairperson shall preside over the meeting. In the absence of the three officers, the panel may carry on business by electing an Acting Chairperson from the members present.

3.6 Election of Other Officers

The members of the Panel may select such other officers as the Panel deems necessary in accordance with the provisions of the Enabling Ordinance.

3.7 Transaction of Business

A majority of the constituted members of the Panel attending a Panel meeting or hearing shall constitute a quorum. The affirmative vote of a majority of the Panel members present shall be necessary to take any action. Any such actions shall be made at a meeting open to the Public in accordance with the Sunshine Law, Chapter 286.011, Florida Statutes. All meetings shall be conducted in accordance with such rules of order as the Panel may from time to time adopt. All Panel proceedings shall be conducted in accordance with the provisions of the Citizens Bill of Rights of the Miami-Dade County Home Rule Charter.

3.8 Special Committees

Special Committees as may be necessary shall be appointed by the Panel Chairperson.

3.9 Panel Meetings

The regular meetings of the Panel shall be held with such frequency and at such time and place as the Panel elects. Special meetings may be held at the call of the Chairperson or the acting Chairperson. Upon petition of three (3) members of the Panel, the Executive Director shall call a meeting within two (2) weeks.

3.10 Attendance at Meetings

If a member of the Panel fails to attend three (3) consecutive meetings without a satisfactory excuse and notification prior to the meeting or if a Panel member is absent for more than one-half of the Panel's meetings during his or her term of office, his or her appointment shall cease. A Panel member shall be deemed absent from a meeting when not present at the meeting at least seventy-five (75) percent of the time. Any such excuse shall be subject to the approval of a majority of the Panel members present at the meeting. The provisions of this section may be waived by a two-thirds vote of the members of the full Board of County Commissioners.

3.11 Executive Director

The Chief Judge of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, shall appoint one (1) person to be the Executive Director of the Independent Review Panel. The Executive Director shall hire and shall supervise administrative, clerical, investigative and other personnel necessary to discharge the functions of the Independent Review Panel. The Executive Director shall promulgate internal office procedures and prepare necessary standardized forms for the conduct of investigations and the receipt of Complaints or Grievances. The daily operations of the Panel, including the conduct of the investigations, shall be managed by the Executive Director who shall oversee the regular functioning of the staff assigned to carry out the duties of the Panel.

SECTION 4. PROCEDURES REGARDING COMPLAINTS OR GRIEVANCES

4.1 Policy

A. It is the policy of the Independent Review Panel to encourage citizens, who have serious Complaints or Grievances concerning the conduct of any employee, agency or instrumentality of Miami-Dade County, Florida to bring the same to the attention of the Independent Review Panel, before which the Complaint, if appropriate, will be considered, investigated and disposed of in accordance with the procedures set forth herein.

B. As promptly as possible the Panel's Executive Director shall notify each known aggrieved person, and each known accused employee, agency or instrumentality of the County, that the matter is the subject of a Complaint or Grievance and shall forward a copy of the complaint form.

C. The Independent Review Panel will make every effort to ensure that no adverse consequences will result to any person or witness as a result of having brought a Complaint or having provided information in any investigation of a Complaint.

D. The Independent Review Panel will make every effort to consider and to respond to citizens' Complaints and Grievances against any employee, agency or instrumentality of the County, and, if necessary, will conduct an impartial, open and fair investigation into any such Complaints or Grievances in accordance with the procedures set forth herein.

E. The right of any person to bring a Complaint shall be absolute and unconditional; the reluctance or refusal of the Complainant to prepare a complaint form shall not impair his or her right to lodge a Complaint. If the Complainant will not fill out or sign the form, it shall be completed by the Panel employee or Panel member with whom the Complaint is lodged.

4.2 Receiving Complaints

A. Complaints may be accepted in writing, in person, by telephone or by any other means of communication, whether the Complainant offers his or her name or submits the Complaint anonymously.

B. A Complaint may be lodged with the Independent Review Panel on behalf of oneself, or on behalf of another person by any interested person or group.

C. All Complaints, if authorized under these rules, shall be investigated thoroughly, competently and impartially and be brought to final disposition in a reasonable manner that is fair to all parties.

D. No Complaint or Grievance will be deemed to have been filed with the Panel unless and until it has been reduced to writing, in accordance with the following procedures:

1. If the Complaint or Grievance is lodged in person, the Panel employee or Panel member receiving the Complaint shall furnish the Complainant with a blank complaint or grievance form. The Complainant shall be asked to fill out the form and to sign the form in the space provided. An oath or sworn declaration shall not be required. The Complainant may refuse to sign the form or to give his or her name. A copy of the completed form shall be given to the Complainant to serve as a record of the filing of the Complaint.

2. If a Complaint is lodged by mail, the complaint form shall be completed by the Panel staff on the basis of information contained within the correspondence. The Panel staff shall mail a copy of the completed complaint form to the Complainant as a record of the filing of the Complaint, together with a request that the Complainant review the complaint form for accuracy and, if accurate, sign the same and return it to the Panel offices.

3. If the Complaint is lodged by telephone, the Panel staff shall fill out an original complaint form and prepare one (1) duplicate copy of the complaint form as a record of the filing of the Complaint. The Panel staff member taking the Complaint shall give his or her name to the Complainant. Panel staff shall furnish the Complainant with a copy of the completed form, together with a request for verification of accuracy and signature.

4. If the Complaint is lodged by an anonymous person, the Panel staff member receiving the Complaint shall endeavor to obtain the facts necessary and appropriate for the completion of the complaint form, record all information on the form and in the space provided for the Complainant's signature, and indicate "Anonymous Complainant".

4.3 Complaint Form

The Panel shall cause all Complaints received by it to be reduced in writing on complaint forms.

4.4 Recording of Complaints

The Panel shall cause a central register of all Complaints filed with it to be maintained in its office. The central register shall record actions taken on each Complaint. The central register and complaint file shall be open for Public inspection during office hours and shall contain the following:

- A. Number of Complaint
- B. Date Complaint was filed
- C. A brief description of the subject matter of the Complaint
- D. Complaint classification and disposition of the screening process
- E. Date of referral to involved department or agency for investigation
- F. Date department's or agency's response was received
- G. Results of committee and/or Panel consideration, if any
- H. Date and content of final disposition of Complaint

4.5 Withdrawal of Complaints

A Complaint may be withdrawn from further consideration at any time by a written notice of withdrawal signed and dated by the Complainant, or by personal or telephonic notice to any Panel member or staff person by the Complainant.

SECTION 5. SCREENING, FACT FINDING and EVALUATION

5.1 Screening and Classification

A. Each complaint shall initially be screened by staff to determine its classification. Classifications of complaints are as follows:

1. "A": Complaint against a Miami-Dade County agency, employee, instrumentality or policy which requires a thorough investigation.
2. "B": Complaint against a Miami-Dade County agency, employee, instrumentality or policy which does not warrant a full investigation.
3. "NJ": No Jurisdiction. Complaint not against Miami-Dade agency or employee, eligible municipality or instrumentality.
4. "PC": Personnel Complaint filed by a Miami-Dade employee against his/her supervisor(s) or co-worker(s) or employing Department.
5. "M": Miscellaneous. Requests for information or counseling; incomplete complaint data.

5.2 Deferral of Action on Complaints

A. If the subject matter of the complaint is under investigation by the County department or agency having jurisdiction, if it is the subject matter of established administrative review procedures of the County or other governmental agency having jurisdiction, or if it is the subject of pending criminal or civil judicial proceedings, the complaint shall be deferred and the matter shall remain pending until such proceedings have reached a final disposition.

B. The Executive Director shall immediately advise the State Attorney or the appropriate County department or agency that a Complaint has been received regarding the matter, and request that the Panel be notified when any investigation or proceedings have reached a final disposition. Copies of all such communications shall be forwarded to the Complainant.

C. The Complainant shall be advised that if he or she is dissatisfied with the ultimate disposition of the matter by any such agency, department or governmental process, he or she may request the Independent Review Panel to review the matter further.

D. Notwithstanding the above provisions, the Panel shall not be required to continue deferral of a complaint if such administrative investigation or proceedings have not reached final disposition within sixty (60) days from the Panel's receipt of the complaint. This section does not apply to criminal investigations by the State Attorney or to judicial proceedings.

5.3 Action on Complaints

A. Complaints not against a Miami-Dade County agency, employee or policy (NJ, PC OR M).

1. "NJ", No Jurisdiction. If the subject matter of the complaint is not within the jurisdiction of the Panel, the Complainant shall be so advised by the staff. The staff may refer the matter directly to the appropriate agency having jurisdiction of the matter, together with a request, on behalf of the Panel, that the matter be considered by such agency or instrumentality. The Complainant shall be notified of such referral, and provided the name and title of the person to whom the matter was referred.

2. "PC", Personnel Complaint filed by a Miami-Dade County employee.

a. The Panel will not consider personnel complaints.

b. If there appears to be an issue of substantial inequity or unfairness, the Executive Director may present the complaint to the full Panel and request a waiver of "2 a", above.

3. "M", Miscellaneous. Requests for information, incomplete complaint data, advice and counsel. No further action will be taken after requests for information have been answered, after reasonable efforts have been made unsuccessfully to obtain information to complete a complaint, and/or advice and counsel have been given.

B. "A" and "B", Complaints against a Miami-Dade County agency, employee or policy.

1. "B", Complaint against a Miami-Dade County agency, employee or policy which does not warrant a full investigation. Complaints may be referred by staff, on behalf of the Complainant, to the appropriate person or persons in Miami-Dade County government for resolution. Such referral may be by telephone, in person or by mail. In all cases, the identity of the person or persons to whom a complaint is referred and the action taken in response to the complaint shall be noted in writing and filed with the complaint. The complainant shall be notified of the action whenever possible. No further action shall be required, but the Panel shall be provided a summary of such complaints upon request.

2. "A", Complaint against a Miami-Dade County agency, employee or policy which requires a thorough investigation.

a. Each "A" Complaint shall be referred to the County department, agency or instrumentality named in the complaint for a prompt and complete investigation of the complaint.

b. The named department, agency or instrumentality shall be requested to report back to the Independent Review Panel the results of its investigation along with a full and complete copy of its investigative file, including but not limited to, tapes of all statements taken and transcriptions made there from.

c. The Independent Review Panel shall submit a full copy of the investigative file referred to in "b", above, to the Complainant. Such copy need not include copies of tapes or statements taken, but shall be complete in all other respects.

d. If, after receipt of a copy of the investigative file made by the named department, agency or instrumentality, the complainant is satisfied with the resolution, the complaint may be concluded. This shall not prevent the Panel from continuing to review issues either raised in the initial complaint or during the investigation and review of the complaint.

e. If, after reviewing the results of the investigation into his or her complaint, a Complainant is not satisfied, he or she may request that a committee be established to investigate and/or review the complaint further, and to make recommendations regarding it to the full Panel. Upon such request, a committee shall be established.

f. A committee shall be established to consider a complaint further if either the staff or the Panel considers it is necessary to continue review of the complaint, even though the Complainant does not wish to pursue the complaint. The committee shall be called a Review Committee.

SECTION 6. COMMITTEE REVIEWS AND INVESTIGATIONS

6.1 Committee Assignments

A. Assignment of complaints under this section shall be made by rotation among the Panel members. A Panel member may request that he or she be temporarily excused from the normal rotation to equalize caseload, avoid conflicts of interest, or for other good cause. When a Panel member's term of office expires and he or she is replaced, the replacement will automatically receive any pending complaints assigned to the departing Panel member.

B. If the assigned Panel member believes it to be necessary, he or she may request that an additional Panel member or members be assigned to serve on the committee. The assigned Panel member may request the designation and appointment of any additional Panel member whose experience and expertise in any given area may prove to be of benefit in analyzing or resolving the particular complaint. Occasionally several complaints that have similar and/or complex subject matter may be assigned by the Panel to a Panel member who has become familiar with the issues involved and/or the accused department's policies and procedures.

C. A staff member shall be a member of each committee and shall assist the assigned Panel member in each complaint review or investigation, and may conduct such aspects of the investigation that the Panel member requests.

D. The Director of the department or agency which is the subject of a complaint and/or the department's liaison to the Independent Review Panel shall be invited to attend committee meeting(s).

6.2 Committee Procedures

A. A complaint may require more than one committee meeting due to the complexity of the issues involved, the need for further information and review by the committee, or scheduling conflicts.

1. Every effort should be made to schedule committee meetings at a time and place that is convenient for the complainant.

2. A meeting may be cancelled and rescheduled at the request of a Complainant one time, for good reason, but may not be rescheduled more than once, except by formal consent of the Panel.

3. If a Complainant fails to appear at a scheduled committee meeting, without having notified IRP staff beforehand, the committee shall proceed without the Complainant.

B. The Panel member serving on a committee shall be the Chairperson of the committee. Committee meetings are informal in nature.

C. In cases where there are two or more Panel members serving on a committee, the public must be notified of the date, time, and location of any meeting(s) in accordance with state law.

D. Prior to the start of a meeting, the Chairperson shall inform those present that an audio tape will be made of the meeting in order to assist in preparing an accurate record. The meeting shall continue with everyone present introducing themselves and providing their job titles, or describing themselves as complainant, witness, or observer.

E. After the committee member introductions, a brief statement describing the purpose of the Independent Review Panel, the nature of the complaint to be considered and the purpose of the committee meeting shall be made.

The introductory statement may also include:

1. The fact that the Panel does not have subpoena power (except for "whistle-blower" cases, Ord. 96-41), which is necessary to require that the accused county department or employee attend a committee meeting or a Panel meeting.

2. That the committee makes recommendations to the full Panel.

3. That the committee may recommend further investigation, departmental policy change or the establishment and imposition of discipline or remedial action, if no disciplinary action has been taken, or other corrective action and/or initiation of criminal proceedings.

4. That final disposition of the complaint will be made by the Panel at a future Panel meeting.

F. The committee Chairperson may summarize the complaint or ask the complainant to describe his or her complaint. The department representative shall then be asked to present the department's response to the complainant, the results of the departmental investigation and/or any steps that the department has taken to resolve the complaint. Statements may be made by any witnesses present at the meeting. Many complaints are resolved at this stage when the committee successfully acts as a mediator between the Complainant and the accused department.

G. Where further information and/or clarifications are needed, the department may be asked to investigate further, and/or the Panel staff may interview witnesses and gather additional data.

6.3 Authority and Powers Generally

A. In the event that there is no specific incident, complaint or grievance which is the subject matter of a Panel review or investigation, and a review is initiated to consider the County's complaint-handling procedures and activities designed to serve the public, the investigation shall include but not be limited to testimony taken from the appropriate department heads and employees, such statistical records as are available relative to the review, processing or complaint procedures, statements taken from citizens previously involved in such procedures or processes, and such other information as may be deemed necessary by the Panel or its staff.

B. The Panel or its staff may demand, examine and duplicate public records and documents in accordance with the provisions of Chapter 119, Florida Statutes, as may be amended from time to time.

C. The Panel or its staff may enter and inspect any premises under the jurisdiction or control of Miami-Dade County or any of its agencies or instrumentalities.

SECTION 7. DISPOSITION BY PANEL

7.1 Submission to Panel

Following completion of the committee's review, and/or investigation and recommendations, a written report shall be forwarded to all Panel members, and the matter shall be placed on the agenda of a scheduled or special meeting of the Panel.

7.2 Notification to Parties

A copy of the written report referred to in 7.1, above, shall be forwarded to each complainant and accused party, together with a notice of the time and place of the Panel meeting at which the complaint will be considered. All complainants and accused parties shall be notified that they have a right to be present at the said meeting, in person or through a representative of their choice, and to be heard by the Panel regarding the subject matter of the complaint. If for any reason the complainant or any accused party has not received a copy of the written report in advance of any meeting where the same is to be considered, Panel action thereon shall be deferred, upon the request of the complainant or accused party, to the next regularly scheduled meeting.

7.3 Panel Meeting Procedures

A. Meetings of the Panel shall be held regularly. Public notice of each meeting shall be given in accordance with the applicable state law.

B. The presence of five (5) Panel members is needed for a quorum. If it is known in advance that a quorum will not be attained, a scheduled meeting may be cancelled.

C. If a meeting is held with fewer than five (5) Panel members present, those present may review all items on the agenda, make motions and vote, with the understanding that any action taken does not become final until ratified by the Panel at the next meeting of five (5) or more Panel members.

D. All Panel meetings shall be tape recorded. Minutes summarizing each meeting shall be prepared by the Panel staff and adopted by the Panel by motion duly made, seconded and carried.

E. Panel meetings are informal in nature. County employees named as subjects in complaints, other county personnel, Complainants and witnesses appear voluntarily and need not be sworn. Meetings are open to the public and anyone who wishes to address the Panel may do so "from the floor."

7.4 Consideration by Panel

The Panel shall consider the reports of committees and any other information that may be brought to its attention at the said meeting. Thereafter, the Panel may:

A. Vote to conclude a matter without further investigation or review;

B. Request further investigation or review by the staff, the Panel, or a committee of the Panel;

C. Take such other action as it deems necessary and appropriate, including making recommendations regarding policy or rule changes, or specific personnel action.

D. If the Panel has reason to believe that the actions of a public official, employee or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities with a request that the Panel be advised of any action taken as a result thereof.

7.5 Distribution of Final Report

A. The Panel shall advise the Complainant, the aggrieved party and the accused employee or concerned department or agency in writing of the Panel's disposition, and/or the outcome of any hearing before the Panel, and shall provide them with copies of the final report.

B. The Panel may further distribute and publicize the final report and shall include within it any conclusions or recommendations as it, in its discretion, determines to make in connection therewith.

SECTION 8- WHISTLE BLOWER RETALIATION COMPLAINT PROCEDURE

A - Stage One - SCREENING

1. Upon receipt of a written retaliation complaint from the County Manager's Office, the Independent Review Panel Executive Director or his/her designee shall screen the complaint to determine whether to proceed with a hearing or dismiss the complaint at screening. The complaint shall be dismissed at this stage due to only:

a. failure of the written complaint to state facts which, if true, would authorize the granting of relief under Sec.2-967.8 of the Code of Metropolitan Dade County;

b. failure of the Complainant to sign a consent form indicating that the complainant is aware of his/her rights and responsibilities under the Whistle Blower Ordinance, and has read and understands the rules of procedure;

or,

c. failure of the Complainant to swear or affirm the truthfulness of the written complaint.

2. If the complaint is dismissed, the complainant shall be sent notification of same by the Executive Director, with signed concurrence by a Panel member. This notice shall clearly state the reason for the conclusion and provide notice of opportunity to appeal, in writing, to the Panel within 10 days. The notice shall contain a certificate of service as provided by Florida Rules of Civil Procedure 1.080(f). The time for appeal shall be measured from the date of service, so certified and computed as required by Fla. R. Civ. P. 1.090. Appeal shall be initiated by delivery to the office of the Executive Director of a written statement of intent to appeal. The Executive Director or his designee shall record the date and time of all such deliveries.
3. If the matter is not concluded at screening, the matter shall be scheduled for Public Adversarial Hearing.

B - Stage Two - MEDIATED CONFLICT RESOLUTION

The complainant and the accused will be offered mediated conflict resolution (MCR). If both parties agree to utilize this informal procedure, the resolution process will be mediated by a Panel member and the Executive Director or his/her designee. If both parties agree with the outcome of the MCR process, the agreement resolution shall be submitted to the Panel for ratification, without a formal investigation. If the matter cannot be resolved at this stage, a public adversarial hearing shall be conducted.

Parties that choose to participate in Mediated Conflict Resolution shall be asked to affirm and document understanding of the following:

1. Each party has an absolute right to be represented by counsel in Mediated Conflict Resolution and all stages of the IRP process. Should an accused County Department choose to be represented by counsel, they would not be represented by the County Attorney's Office but would seek external counsel.

Confidential statements made during Mediated Conflict Resolution sessions will not be admissible for adversarial public hearing purposes or subsequent proceedings.

2. The IRP Chairperson may allow each party one postponement of a scheduled adversarial public hearing for a period not to exceed 60 days.
3. Parties to Mediated Conflict Resolution may be granted a second session to finalize a Mediated Negotiation Agreement within five business days of the first session. Any other settlement prior to the scheduled adversarial public hearing will not be mediated by IRP members or staff.

C - Stage Three - PUBLIC ADVERSARIAL HEARINGS

Within sixty days of receipt of the complaint by the IRP, the Panel shall conduct an adversarial hearing, or determine whether to ratify the resolution of mediated solution on which there has been an agreement. Upon application of a party to the complaint, or upon its own motion, the Panel, by its chairperson or his or her designee, may, for good cause shown, request the County Manager to extend, in sixty days increments, the time limitations of this process.

Subpoenas, signed by the Executive Director or designee, will be issued upon written request of the complainant, the accused or the Panel, to procure the attendance of witnesses and/or, with the approval of the County Manager, the production of records at the adversarial hearing.

1. *Setting and Notice of Hearing* - Staff shall coordinate with the parties and the Panel members to schedule a time and place for the hearing, and shall send written notice via U.S. Mail to the parties to the complaint, not less than 10 days before the hearing. A party's appearance at the hearing shall constitute a waiver of any deficiency in the notice of hearing.
2. *Absence of Party* - The hearing may proceed in the absence of a party who, after notice, fails to attend or to obtain a postponement from the Panel chairperson. Despite the absence of a party or parties, no recommendation shall be made without the submission of evidence to support the complaint.
3. *Representation by Counsel* - Each party has an absolute right to be represented by counsel at any adversarial hearing.
4. *Presentation of Evidence* - The Chairperson shall require all parties and witnesses to be sworn before they testify. The Chairperson, if he or she desires, may request opening statements and prescribe the order of proof. In any event, all parties shall be afforded full opportunity for the presentation of evidence. All pre-hearing discovery is prohibited.

If either party finds it necessary to perpetuate the testimony of a witness who would probably not be available to testify at the hearing, the deposition of that witness may be taken and submitted at the time of hearing in lieu of live testimony. Prior approval of the Executive Director shall be obtained prior to the taking of such deposition and the Executive Director shall grant such approval if he or she concludes the testimony of the witness relevant and there is a reasonable likelihood that the witness will not be available for the adversarial hearing.

The procedures for subpoenas and witness attendance shall be as prescribed in Sec. 2-50 of the Code of Metropolitan Dade County.

5. *Right of Party to Attend* - All parties shall have an absolute right to attend all hearings.
6. *Chair to Preside* - The Chairperson, or in his or her absence, the Vice Chair or a Panel member, shall preside at the hearing and shall rule on the admission and exclusion of evidence and on questions of procedure, and shall exercise all powers relating to the conduct of the hearing. The hearing shall be informal in nature without strict observance of the rules of evidence or the Florida Rules of Civil Procedures. Periods of time prescribed in these rules shall be computed as stated in Fla. R. Civ. P. 1.090.

D - Report to the County Manager

The Panel will transmit its findings of fact, conclusions and recommendations to the County Manager within 15 days of case dismissal, resolution or conclusion of adversarial hearing. Audio tape recorded testimony will be sent, along with Panel conclusions, for final consideration by the County Manager.

SECTION 9. INVESTIGATIONS: RESOURCES AND SCOPE

9.1 Investigative Staff

The Panel's Executive Director shall secure such investigative staff or fact finding and research personnel as the Executive Director may determine are necessary from the County Manager, from the State Attorney's Office or from such other source through which investigative assistance is available. No investigative personnel shall be utilized in connection with an investigation if such investigative personnel are not independent of the County agency or instrumentality which is the subject of the review or investigation. Should the Panel determine that a review or investigation requires investigators who are entirely independent of the County or State Government, the Executive Director may hire private investigative personnel after consultation with the Panel member assigned to that particular case. The Chairperson's, (or the Vice Chairperson's, in the Chairperson's absence) approval must be secured. The Panel shall be advised at its next regular meeting.

9.2 Scope of Investigation

The preliminary investigation or any subsequent investigation may include but shall not be limited to the following:

A. Interviews with the Complainant, the aggrieved party, interviews with the party or department head of the agency or instrumentality against whom the Complaint or Grievance is lodged and all other parties witnessing or involved in any alleged incident; examination of the scene of the incident; viewing, analyzing and preserving all physical evidence, if any, associated with the alleged incident; review, analysis and preservation of all other physical evidence, if any. It shall be the responsibility of the investigator to record each step in the investigation and the result thereof in an investigation report which shall be made a part of the complaint file.

B. The Panel's investigators shall attempt to secure written statements under oath from all participants in and witnesses to the alleged incident but where any witness or participant is unwilling to make a signed written statement, the assigned investigator shall provide a verbatim transcript or written summary of the oral statement, if any, provided by such participant or witness. Where a written statement is given and signed by a participant or witness, the assigned investigator shall provide the person making such statement with a copy of the statement.

C. In the event that there is no specific incident, Complaint or Grievance which is the subject matter of a Panel review or investigation, and a review is initiated to consider the County's complaint review processes and investigatory activities designed to serve the Public, the investigation shall include but not be limited to testimony taken from the appropriate department heads and employees, such statistical records as are available relative to the review, processing or Complaint procedures, statements taken from citizens previously involved in such procedures or processes and such other information as may be deemed necessary by the Panel or its staff.

9.3 Manner of Conducting Investigations

The Investigation shall be conducted in a manner designed to produce a minimum of inconvenience and embarrassment to the Complainant, the aggrieved person, the accused employee, agency or instrumentality of the County and the witnesses.

SECTION 10 PANEL HEARINGS

10.1 Procedure for Scheduling Hearings

After the conclusion of the preliminary investigation, the Panel's Executive Director shall determine the place, date and time of the Panel hearing and shall furnish written notice of the place, date and time of the hearing to each Panel member, the Complainant, each aggrieved person and the accused party. The Panel's Executive Director shall also give such notice of the subject matter, place, date and time of each hearing as is required by law.

10.2 Open Public Hearings

All Panel hearings will be open to the public and a taped record will be made and shall be available at cost to any person who requests it.

10.3 Hearing Procedures

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil or criminal actions.

10.4 Counsel or Representative at Hearing

An attorney or other representative acting on behalf of the Complainant, any aggrieved party, or any accused party may be present at the hearing, at the expense of such party, but such representation shall not be required.

10.5 Testimony

Testimony under oath administered by the Panel's Chairperson may be received from all persons who appear and purport to have information which is material to the matter under consideration by the Panel.

10.6 Stenographic Record

At the option of the Panel, a stenographic record may be kept, and if kept, shall be made available, upon payment of the cost of duplicating or transcribing the same, to any person requesting same.

SECTION 11. FINDINGS OF PANEL AND DISPOSITION OF COMPLAINTS

11.1 Final Report

Within thirty (30) days following the completion of the Panel hearing, and review of all additional evidence, if any, and the rules, procedures, orders, ordinances, statutes and Constitutional provisions allegedly violated, the Panel, by a majority vote, shall adopt and publish a final report with regard to each matter reviewed. Any final report of the Panel shall be transmitted simultaneously to the Executive Mayor, Board of County Commissioners, the County Manager and the Director of the concerned County department. If the Panel has reason to believe that a public official, employee or other person warrants criminal or disciplinary proceedings, it shall refer the matter to the appropriate governmental authorities with a request that the Panel be advised of any action taken as a result thereof. A dissenting Panel member or members may express the reasons for dissenting in writing and such dissent shall be included within such final report.

11.2 Distribution of Final Report

A. The Panel shall advise the Complainant, the aggrieved party and the accused employee or concerned department or agency in writing of the outcome of any hearing before the Panel and shall provide them with a copy of the final report.

B. The Panel may further distribute and publicize the final report and shall include within it any conclusions or recommendations as it in its discretion determines to make in connection therewith.

SECTION 12. DISSEMINATION OF INFORMATION TO THE PUBLIC

12.1 Press Releases

Press releases require prior authorization by the Executive Director.

12.2 Pamphlet

A pamphlet describing the purposes and procedures of the Independent Review Panel shall be prepared and distributed by the Independent Review Panel.

SECTION 13. PUBLIC RECORDS

13.1 Public Inspection

All matters within the jurisdiction of the Independent Review Panel, including without limitation, written statements of policy or interpretation formulated, adopted or used by the Panel in the discharge of its functions shall be made available for public inspection as required by law.

13.2 Files Open

Copies of all complaints, grievances, rules, reports or opinions of the Independent Review Panel shall be maintained on file and available for public inspection at the offices of the Independent Review Panel. Any party requesting copies of any such records may be provided with copies and charged a reasonable fee in accordance with Florida Statute 119.07 (1) and Miami-Dade County Administrative Order 4-48.

13.3 Files Maintained

All files of the Independent Review Panel shall be retained in accordance with the applicable state law.

SECTION 14. PRESERVATION OF RIGHTS

The within procedures shall be in addition to and not in derogation of:

A. The procedures existing from time to time for the preservation of rights of police officers, pursuant to the Police Officer's Bill of Rights, Florida Statute 112.531.

B. The applicable laws, ordinances, statutes and constitution of the State of Florida.

SECTION 15. AMENDMENT

The Rules of Procedure of the Independent Review Panel may be altered, amended or repealed, or new Rules may be adopted by the Panel at any regular meeting, or any special meeting called for that purpose, by a majority vote of the Panel members present at such meeting, provided, however, that notice of the intent of the Panel to consider the adoption of new Rules or the amendment, repeal or alteration of an existing rule is given to the members of the Panel at least five (5) days prior to the holding of such meeting. Such amendment or change in the rules may be initiated at the request of any member of the Panel filed with the Executive Director not less than fifteen (15) days prior to the date of any regular meeting at which such Panel member desires the matter to be considered.

SECTION 16. WAIVER

Any provision herein may be waived by a majority vote of the Panel members present at any regular meeting.

SECTION 17. VALIDITY

If any portion or section of these rules or regulations is declared to be unconstitutional or illegal, the remaining sections shall remain valid and effective.

SECTION 18. EFFECTIVE DATE

These Rules of Procedure shall become effective upon the date of the adoption of the same.



Carlos Alvarez
Mayor

Board of County Commissioners

Joe A. Martinez
Chairperson

Barbara J. Jordan
District 1
Dorrin D. Rolle
District 2
Audrey Edmundson
District 3
Sally A. Heyman
District 4
Bruno A. Barreiro
District 5
Rebeca Sosa
District 6
Carlos A. Gimenez
District 7

Katy Sorenson
District 8
Dennis C. Moss
District 9
Javier D. Souto
District 10
Joe A. Martinez
District 11
Jose "Pepe" Diaz
District 12
Natacha Seijas
District 13

Harvey Ruvin
Clerk of the Courts

George Burgess
County Manager

Murray Greenberg
County Attorney

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and services and does not discriminate on the basis of disability.*